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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/648,790   | 08/27/2003  | Clark Easter         | 026063-00014        | 4489             |
| 4372   | 7590        | 07/21/2006           | EXAMINER            |                  |
| ARENT FOX PLLC<br>1050 CONNECTICUT AVENUE, N.W.<br>SUITE 400<br>WASHINGTON, DC 20036 |             |                      |                     | NGUYEN, MAIKHANH |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2176                 |                     |                  |

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                     |  |
|------------------------------|------------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>       | <b>Applicant(s)</b> |  |
|                              | 10/648,790                   | EASTER ET AL.       |  |
|                              | Examiner<br>Maikhahan Nguyen | Art Unit<br>2176    |  |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to communications: Amendment filed 05/09/2006 to the original application filed 08/27/2003.
2. Claims 1-33 are currently pending in this application. Claims 1 and 21 have been amended. Claims 1 and 21-22 are independent claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*
4. Claims 1-33 remain rejected under 35 U.S.C. 102(b) as being anticipating by **Roper** (U.S. 6,270,351, issued 08/07/2001).

**As to claim 1:**

Roper teaches a method for providing interactive assistance with populating an automated document that includes at least one field (*see the Abstract & col. 2, lines 1-35*), the method comprising:

- selecting an entity to which the document applies (*col.2, lines 1-44 & col.4, lines 32-44*);
- assigning a prioritization to each of the at least one field (*e.g., when a user logs onto the individual education program system, he must enter a login ID and password; col. 8, lines 15-29 & see item StudentID in fig.5*);
- prompting for a response for each of the at least one field (*e.g., Once the student profile is generated ... prompting the user of the system for certain basic information regarding the student ... includes the student's name, age, birthdate, grade, etc...; col. 6, lines 10-18 & see fig. 7*), the prompting varying based on the prioritization of each of the at least one field (*col.6, lines 1-21*);
- iteratively revising the prioritization of all of the at least one field upon receiving the response to each of the at least one field (*e.g., the system automatically brings up the student's current IEP record ... The next step in the process for editing an existing individual education plan comprises displaying the student's information screen for the current individual education plan on the computer monitor ... Changes in the student information may be made on this screen by the users of the system) [see the discussion beginning at col.7, line 30]; and*
- prompting for a response for at least one field, the prompting varying based on the iteratively revised prioritization of all of the at least one field (*e.g., before an individual education plan may be created, a student profile is created by entering information about the student. The user of the system selects the Enter/Edit*

*Student information option 402 from the main menu 400. Selecting this option brings up a student information screen. Via the student information screen, the user of the system may enter all pertinent information relating to the particular student... records are saved, the individual education program tracking system returns control to the main menu 400... Typically, a state has requirements that must be met before a student can enter a special education plan, such as that provided by an individual education plan. These requirements include an assessment of a student's skills and parental (guardian) authorization. The individual education program tracking system automatically generates the forms for complying with these regulatory requirements. Once the requirements have been met, then an individual education plan may be created for a student) [see the discussion beginning at col.8, line 15].*

**As to claim 2:**

Roper teaches the document is a form (*e.g., form; col.5, lines 20-25*).

**As to claim 3:**

Roper teaches the form is used for compliance with educational requirements (*e.g., forms required by either or both local school districts and state departments of education; col.2, lines 26-30*).

**As to claim 4:**

Roper teaches the educational requirements include requirements under the Individuals with Disabilities Education Act (*col.1, lines 16-34*).

**As to claim 5:**

Roper teaches identifying data from an accessible repository responsive to any of the at least one field of the document (*see item StudentID in fig.5*); and automatically populating each of the at least one field of the document for which the responsive data from the accessible repository are identified (*col.9, lines 1-46 and see fig.9*).

**As to claim 6:**

Roper teaches performing a compliance check of each response for the at least one field (*e.g., form is checked to eliminate confusion; col.11, lines 53-67*).

**As to claim 7:**

Roper teaches if the compliance check passes, providing an option to lock the document (*e.g., the system locks the individual education plan record in the individual education program database 18; col.13, lines 1-14 and see fig.1*).

**As to claim 8:**

Roper teaches receiving a selection of a response to the option to lock the document; and

if the selection is to lock the document, preventing revision of each of the responses to the at least one field (*e.g., If the user selects the Lock This IEP option 1710, the system locks the individual education plan record in the individual education program database 18 from any further modifications; col.13, lines 1-13 and see fig.1*).

**As to claim 9:**

Roper teaches prompting a user for security information (*e.g., enter a login ID and password; col.7, lines 15-16*).

**As to claim 10:**

Roper teaches the entity is an individual (*e.g., an individual; see the Abstract*).

**As to claim 11:**

Roper teaches storing the automated document with the response to each of the at least one field (*see figs. 9-11*).

**As to claim 12:**

Roper teaches prompting for a response to each of the at least one field includes: variably highlighting each of the at least one field (*see figs. 7-8*).

**As to claim 13:**

Roper teaches variably highlighting each of the at least one field includes: highlighting each of the at least one field in a color, the color varying with the prioritization of each of the at least one field (*see figs. 7-8*).

**As to claim 14:**

Roper teaches identifying data from an accessible repository responsive to any of the at least one field of the document (*see item StudentID in fig.5*); and automatically populating each of the at least one field of the document for which the responsive data from the accessible repository are identified (*col.9, lines 1-46 and see fig.9*); and highlighting each of the at least one field containing automatic populating (*see figs. 7-8*).

**As to claim 15:**

Roper teaches prompting for a response to each of the at least one field is selected from, among other things, prompting for an optional response (*e.g., selection of the Enter/Edit Student Information of the main menu; col.6, lines 1-42 & col.7, line 60-col.8, line 14*).

**As to claim 16:**

Roper teaches selecting an entity to which the document applies includes: searching a repository containing at least one entity (*col.6, lines 22-58 and see fig.1*).

**As to claim 17:**

Roper teaches providing an option to select the automated document from a plurality of documents (*col.6, lines 1-42 & col.7, line 60-col.8, line 14*).

**As to claim 18:**

Roper teaches generating the plurality of documents via a search (*col.5, line 59-col.6, line 58*).

**As to claim 19:**

Roper teaches the automated document is associated with a meeting (*col.9, line 47-col.10, line 7 and see fig.12*).

**As to claim 20:**

Roper teaches the meeting includes at least one event (*col.9, line 47-col.10, line 7 and see fig.12*).

**As to claim 21:**

It is directed to a system for performing the method of claim 1 above, and is similarly rejected under the same rationale.

**As to claim 22:**

The rejection of claim 21 above is incorporated herein in full. Additionally, Roper further teaches a processor (*e.g., the server 10; col.4, line 3*); a user interface (*e.g., Web server; col.4, line 20*); and a repository (*e.g., a central database; col.4, lines 52-53*).

**As to claim 23:**

Roper teaches the processor is housed on a terminal (*e.g., a personal computer; col.4, lines 4-5*).

**As to claim 24:**

Roper teaches the terminal is selected from, among other things, a personal computer (*e.g., a personal computer; col.4, lines 4-5*).

**As to claim 25:**

Roper teaches the processor is housed on a server (*e.g., the server 10; col.4, line 3 and see fig.1*).

**As to claim 26:**

Roper teaches the server is selected from, among other things, a personal computer (*e.g., a personal computer; col.4, lines 4-5*).

**As to claim 27:**

Roper teaches the server is coupled to a network (*e.g., the network; col.4, lines 5-16 and see fig.1*).

**As to claim 28:**

The use of the Internet is inherent to the system of Roper.

**As to claim 29:**

Roper teaches the server is coupled to the network via a coupling (*col.4, lines 3-16*).

**As to claim 30:**

Roper teaches the coupling is selected from a group consisting of a wired connection, a wireless connection, and a fiberoptic connection (*e.g., see fig.1 and the accompanying text beginning at col.3, line 63*).

**As to claim 31:**

Roper teaches the repository is housed on a server (*e.g., the server 10; col.4, line 3 and see fig.1*).

**As to claim 32:**

It includes the same limitations as in claim 27, and is similarly rejected under the same rationale.

***Response to Arguments***

5. Applicant's arguments filed 05/09/2006 have been fully considered but they are not persuasive.
  - a. Applicant argues that Roper does not teach "*iteratively revising the prioritization of all the at least one field upon receiving a response to each of the at least one field, and prompting for a response to at least one field, the prompting varying based on the iteratively revised prioritization of all of the at least one field*" [Remarks, page 12].

In response, Roper meets the claimed iteratively revising the prioritization of all the at least one field upon receiving a response to each of the at least one field (*e.g., the system automatically brings up the student's current IEP record ... The next step in the process for editing an existing individual education plan comprises displaying the student's information screen for the current individual education plan on the computer monitor ... Changes in the student information may be made on this screen by the users of the system*) [see the discussion beginning at col. 7, line 30], and prompting for a response to at least one field, the prompting varying based on the iteratively revised prioritization of all of the at least one field (*e.g., before an individual education plan may be created, a student profile is created by entering information about the student. The user of the system selects the Enter/Edit Student information option 402 from the main menu*

*400. Selecting this option brings up a student information screen. Via the student information screen, the user of the system may enter all pertinent information relating to the particular student... records are saved, the individual education program tracking system returns control to the main menu 400... Typically, a state has requirements that must be met before a student can enter a special education plan, such as that provided by an individual education plan. These requirements include an assessment of a student's skills and parental (guardian) authorization. The individual education program tracking system automatically generates the forms for complying with these regulatory requirements. Once the requirements have been met, then an individual education plan may be created for a student) [see the discussion beginning at col.8, line 15].*

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

|   |  |                         |                       |
|---|--|-------------------------|-----------------------|
| - | McFarland  | U.S. Pat. No. 6,154,753 | Issued: Nov. 28, 2000 |
| - | Morris et al.  | U.S. Pat. No. 6,075,968 | Issued: Jun. 13, 2000 |
| - | McFarland  | U.S. Pat. No. 6,154,753 | Issued: Nov. 28, 2000 |
| - | Atkinson et al.  | U.S. Pat. No. 6,507,726 | Issued: Jan. 14, 2003 |
| - | Robinson et al.  | U.S. Pat. No. 6,813,474 | Issued: Nov. 2, 2004  |
| - | Silver, Robert, "A User's Guide to The 1999 IDEA Regulations," | March 18, 1999,         |                       |

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Contact information*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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